

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

In re:

SMARTER TODDLER GROUP, LLC,

Debtor.

Hearing Date: January 14, 2020

Hearing Date: 2:00pm

Case No. 19-13097 (SCC)

Chapter 11

**NOTICE OF MOTION FOR AN ORDER, INTER ALIA,  
PURSUANT TO 11 U.S.C. SECTION 362 TO VACATE  
AUTOMATIC STAY AND FOR PAYMENT OF USE  
AND OCCUPANCY**

**PLEASE TAKE NOTICE**, that upon the annexed application of Gazit Horizons (Edge) Fee Owner LLC, dated the 10<sup>th</sup> day of December 2019, the undersigned will move before the Honorable Shelley C. Chapman, United States Bankruptcy Judge, at the United States Bankruptcy Courthouse, One Bowling Green, New York, New York 10004-1408 on the 14<sup>th</sup> day of January 2020, at 2:00 p.m.in the afternoon of that day, or as soon thereafter as counsel may be heard, for an Order as follows:

1. Pursuant to 11 U.S.C. Section 362(d)(1) & (2), vacating and terminating the automatic stay for cause, thereby permitting the subject landlord to enforce its rights in, and remedies in and to, the subject premises;
2. Pursuant to 11 U.S.C. Section 362(e), consolidating the preliminary and final hearing;
3. Pursuant to 11 U.S.C. Section 363(e), directing debtor to pay immediately to the landlord all post-petition use and occupancy charges that have accrued since September 27, 2019, and to pay landlord use and occupancy on a monthly basis on the first day of each month, pending a final determination of the relief requested herein;
4. In the event, arguendo, that the Court determines that here remains any leasehold interest in the subject premises, pursuant to 11 U.S.C. 365(d), directing the debtor either to assume or reject the lease for the subject premises, and, if

rejected, compelling debtor to vacate the premises, or, if assumed, compelling the debtor promptly to pay all past due pre-petition rent and additional charges and post-petition use and occupancy;

5. In the event that the Court grants the relief requested herein by modifying the automatic stay, then pursuant to FRBP 4001(a)(3), waiving the fourteen (14) day stay of an Order granting a motion for relief from an automatic stay made in accordance with FRBP 4001(a)(1);
6. Awarding landlord its reasonable attorneys' fees together with the costs and disbursements of this motion; and
7. Granting landlord such other and further relief as this Court may deem just, proper and equitable under the circumstances.

**PLEASE TAKE FURTHER NOTICE**, that answering papers, if any, must be served upon the undersigned at least seven (7) days prior to the return date of this motion and also must be filed with the Bankruptcy Court one (1) day after said service.

Dated: New York, New York  
December 10, 2019

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